

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Orlando Cole,)	C/A No. 3:15-1923-MBS-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Marty Ballard; Premier Constructors, Inc.,)	
)	
Defendants.)	
_____)	

The plaintiff, Orlando Cole, through counsel, initiated this civil action and filed his Complaint on May 6, 2015. (ECF. No. 1.) This matter is currently before the assigned United States Magistrate Judge for a service of process status review.

The Federal Rules of Civil Procedure state that a plaintiff must serve a defendant within 120 days after the complaint is filed and, unless service is waived, must provide proof of service to the court.¹ Fed. R. Civ. P. 4(l)(1) and 4(m). As of the date of this order, more than 120 days has passed since the plaintiff initiated this action by filing his Complaint, and the plaintiff has not filed proof of service with the court as to Defendant Marty Ballard. It is therefore

ORDERED that the plaintiff shall have until **December 9, 2016** to provide the court with proof of service of the Complaint upon Defendant Ballard in accordance with Federal Rule of Civil Procedure 4(l)(1), or show good cause for failure to serve pursuant to Rule 4(m). **Failure to do so will result in Defendant Ballard being dismissed from this action.** Fed. R. Civ. P. 4(m).

¹ This Rule was amended December 1, 2015 to reduce the time in which to effect service to 90 days. However, the plaintiff's Complaint was filed prior to this amendment; accordingly, the plaintiff had 120 days in which to effect service on the defendants.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

December 2, 2016
Columbia, South Carolina